

REMARKS

Claims 1-4 and 6-12 stand rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 13-45 of copending Application No. 11/889,787 (U.S. Publication No. 2008/0055405 A1). Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claims 1-12 would be allowable after double patenting rejections have been resolved.

Applicant submits a Terminal Disclaimer concurrently herewith to facilitate allowance of the present application, thereby obviating the double patenting rejections. Accordingly, Applicant respectfully requests that the double patenting rejections be withdrawn.

The Examiner is thanked for the indication that claims 1-12 would be allowable after double patenting rejections have been resolved. In light of the foregoing discussion, the double patenting rejections have now been resolved. Accordingly, claims 1-12 are in prima facie condition for allowance in light of the indication of allowable subject matter in the Office Action.

Finally, the Examiner is thanked for the indication that claim 5, while objected to as being dependent upon a rejected base claim, would be allowable if rewritten in independent form. However, Applicant respectfully submits that claim 5 is also allowable at least because of its dependence from claim 1, and the reasons discussed previously. As a result, withdrawal of the objection to claim 5 is respectfully requested.

CONCLUSION

In view of the foregoing, Applicant submits that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response; the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0573. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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